



Order Filed on October 23, 2019  
by Clerk U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY  
Caption in compliance with D.N.J. LBR 9004-1

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In re:  
NEW ENGLAND MOTOR FREIGHT, INC.,  
*et al.*,  
  
Debtors.<sup>1</sup>

Chapter 11  
Case No. 19-12809 (JKS)  
(Jointly Administered)

**FOURTH INTERIM ORDER GRANTING THE DEBTORS' MOTION TO  
(A) EXTEND THE EXCLUSIVE PERIODS WITHIN WHICH TO FILE  
A CHAPTER 11 PLAN AND SOLICIT ACCEPTANCE THEREOF, AND  
(B) ADJOURNING THE OCTOBER 23, 2019 HEARING  
AND RELATED OBJECTION DEADLINE**

The relief set forth on the following pages, numbered two (2) through and including four (4), is hereby **ORDERED**.

**DATED: October 23, 2019**

  
Honorable John K. Sherwood  
United States Bankruptcy Court

<sup>1</sup> The Debtors in these chapter 11 cases and the last four digits of each Debtor's taxpayer identification number are as follows: New England Motor Freight, Inc. (7697); Eastern Freight Ways, Inc. (3461); NEMF World Transport, Inc. (2777); Apex Logistics, Inc. (5347); Jans Leasing Corp. (9009); Carrier Industries, Inc. (9223); Myar, LLC (4357); MyJon, LLC (7305); Hollywood Avenue Solar, LLC (2206); United Express Solar, LLC (1126); and NEMF Logistics, LLC (4666).

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Debtors: New England Motor Freight, Inc., *et al.*

Case No.: 19-12809 (JKS)

Caption: Fourth Interim Order Granting the Debtors' Motion to (a) Extend the Exclusive Periods Within Which to File a Chapter 11 Plan and Solicit Acceptance Thereof and (b) Adjourning the October 23, 2019 Hearing and Related Objection Deadline

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Upon the Motion<sup>2</sup> of the Debtors in the above-captioned Chapter 11 Cases seeking the entry of an order (a) extending the exclusive periods during which only the Debtors may file a chapter 11 plan and solicit acceptances thereof pursuant to section 1121(d) of title 11 of the United States Code, 11 U.S.C. §§ 101 and Rule 9006(b) of the Federal Rules of Bankruptcy Procedure, through December 9, 2019 and February 6, 2020, respectively, and (b) for authorization to file a combined plan of liquidation and disclosure statement [ECF No. 788]; and upon the filing of the *Objection of T.D. Bank, N.A. and East West Bank to Extension of Exclusive Periods for Filing a Plan and Soliciting Acceptances Thereof*, dated October 1, 2019 [ECF No. 909] (the “Lenders’ Objection”); and upon the filing of the *Debtors’ and the Official Committee of Unsecured Creditors’ Joint Combined Plan of Liquidation and Disclosure Statement*, dated October 26, 2019 [ECF No. 932]; and upon the filing of the *Plan Proponents’ Joint Motion for Entry of an Order (I) Approving on an Interim Basis the Adequacy of Disclosures in the Joint Combined Plan and Disclosure Statement, (II) Scheduling the Confirmation Hearing and Deadline for Filing Objections, (III) Establishing Procedures for Solicitation and Tabulation of Votes to Accept or Reject the Joint Combined Plan and Disclosure Statement, (IV) Approving the Form of Ballot and Solicitation Package, (V) Approving Notice Provisions, and (VI) Confirming the Plan*, dated October 21, 2019 [ECF No. 934]; and upon the continued settlement communications by and among the Debtors and the Official Committee of Unsecured Creditors (the “Committee”), on the one hand, and T.D. Bank, N.A. and East West Bank (together, the “Objecting Lenders”), on the other, and out of an abundance of caution, the Debtors and the

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<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

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Debtors: New England Motor Freight, Inc., *et al.*

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Committee having requested that the Objecting Lenders agree, without prejudice to the Lenders' Objection (including their objection that the exclusive periods have already expired) to the Court entering an order providing, without prejudice, for a further interim extension of the exclusive periods; and the Court having determined that the interim relief sought is in the best interest of the Debtors, their estates and creditors, and other parties-in-interest; and the Court having jurisdiction to consider the Motion and the relief requested therein; venue being proper before the Court pursuant to 28 U.S.C. §§ 1408 and 1409; consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and it appearing that proper and adequate notice of the Motion has been given and that no other or further notice is necessary; and after due deliberation thereon; and good and sufficient cause appearing therefor;

**IT IS HEREBY ORDERED THAT:**

1. The Motion is **GRANTED** as set forth herein.
2. The Exclusive Filing Period is extended through and including November 12, 2019.
3. The Exclusive Solicitation Period remains extended through and including December 21, 2019.
4. The Committee shall continue to have the co-exclusive right with the Debtors to file a plan of liquidation, solicit acceptances thereto and seek confirmation thereof; provided, however, during the Exclusive Periods such plan may only be filed by the Committee jointly with the Debtors.

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5. The hearing scheduled for October 23, 2019 at 10:00 a.m. is adjourned to November 12, 2019 at 10:00 a.m. and the deadline for any additional objections to the relief sought in the Motion is extended to November 5, 2019.

6. The hearing scheduled for November 7, 2019 on First Interim Fee Applications shall be adjourned until November 21, 2019 at 10:00 a.m., and the Objecting Lenders shall have a further extension to November 19, 2019 to object to the professionals' First Interim Fee Applications.

7. The relief set forth herein shall be without prejudice to the Lenders' Objection (including their objection that the Exclusive Filing Period and the Exclusive Solicitation Period have already expired), any other objections to be filed by the Objecting Lenders, or any motion by the Lenders seeking to terminate the Exclusive Filing Period and/or the Exclusive Solicitation Period, with all rights of the Objecting Lenders being expressly preserved.

8. The relief requested herein is without prejudice to the Debtors' rights to seek additional extensions of the Exclusive Periods.

9. Notwithstanding applicability of any Bankruptcy Rule, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

10. The Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation of this Order.